ORIGINAL 274

1   IN THE UNITED STATES DISTRICT COURT

2   FOR THE NORTHERN DISTRICT OF OKLAHOMA

3

4 THE CITY OF TULSA, et al.,   )
)
5   Plaintiffs,   )
)
6 vs.   ) CASE NO. 01-CV-900-EA
)
7 TYSON FOODS, INC., et al.   )
)
8   Defendants.   )

9

10   VOLUME II

11   TRANSCRIPT OF DAUBERT HEARING

12   HAD ON MARCH 4, 2003

13   BEFORE THE HONORABLE CLAIRE V. EAGAN

14   UNITED STATES DISTRICT JUDGE

15 APPEARANCES:

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        Aaron H. LaDuke, U.S. Court Reporter

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 1   Q     Would you include humans?

 2   A     I probably would not.

 3   Q     Any other species or factors that were not included by

 4   Dr. Storm that you would include?

 5   A     I think there are other factors.  We've talked some about

 6   the BMPs.  We've not talked about some of the soil phosphorous

 7   levels.  I think there are some things there that could have

 8   been done that would have increased the reliability or

 9   increased the -- or decreased the uncertainty around some of

10   the modeling results.

11   Q     Can you give me some examples of that, please?

12   A     We talked about this earlier with -- or heard about some

13   of this earlier from some of the testimony.  Certainly a

14   sensitivity analysis, varying the soil phosphorous levels and

15   observing what happens in the model response would be helpful.

16   Some of that was done I believe in Storm 1, if not maybe even

17   Storm 2.  There was an opportunity maybe to carry that a

18   little further to better -- to better identify the impact of

19   some of those kinds of assumptions and how those would impact

20   how you attribute the phosphorous sources.

21   Q     All right.  Anything else that you think could have been

22   done or should have been done to either increase your

23   confidence level or to make the output more reliable?

24   A     I think I'm done with the data at this point.  Can we

25   move on?
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1 to what could have been done to either increase confidence or

2 certainty in the results.

3 A   Right.

4 Q   Do you have an opinion about some of those factors you

5 had me ask him about?

6 A   Yes, I do. So maybe you could ask those again.

7 Q   Let me dig those out.

8 A   Okay.

9 Q   All right. The first one was, without validation, are

10 there other ways to increase confidence in the reliability of

11 model results?

12 A   And I think, you know, clearly there are some ways to do

13 that.

14 Q   All right. And one is parameter sensitivity analysis?

15 A   There was limited parameter sensitivity analysis that was

16 conducted here. I would have liked to have seen more of that.

17 I would have liked to have seen, and I think Dr. Shannon spoke

18 a bit to this, that it would be interesting to see what

19 happens if we do take the defendants' chicken litter numbers

20 and apply those at face value, see what the model predicts.

21 There are many other assumptions of that sort or many other

22 alterations of some of the data that could be made to explore

23 how those propagate through the model and what net impact on

24 the results that may have.

25 Q   All right. What if you ran another model and then